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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/275,887	03/25/1999	JOSEPH ROBERT OFFUTT JR.	07099.0980	1353
826	7590	11/17/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			MORGAN, ROBERT W	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/275,887

Applicant(s)

OFFUTT ET AL.

Examiner

Robert W. Morgan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-8, 10-13, 15-19, 21-24, 26-30 and 32-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-8, 10-13, 15-19, 21-24, 26-30 and 32-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/9/04, 4/26/04</u>   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Appeal Brief***

1. In view of the supplemental appeal brief filed on 8/31/05, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

***Information Disclosure Statement***

2. The information disclosures filed 2/9/04 and 4/26/04 have been acknowledge and entered in the application.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 12-13, 15, 21, 23-24, 26, 35-36, 43-48 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,732,398 to Tagawa in view of U.S. Patent No. 4,879,648 to Cochran et al.

As per claims 1 and 43, Tagawa teaches interactive travel service system that includes a user pressing a button for local or intrastate tour packages (216, Fig. 3) using a CPU (78, Fig. 3) that activates a routine illustrated in Fig. 7A-7C (see: column 14, lines 16-18). For example, in the Hawaii market (original location), a list of major tour packages (400, 402, Fig. 7a) is between the islands of Oahu, Kauai, Maui, Molokai, Lanai and Hawaii (the Big Island) (destination location and alternative destination) (see: column 14, lines 18-24). In addition, Tagawa teaches at Fig. 3, a user is asked for an airline preference, as well as to input flight segment data, including origin, destination, date of travel, and time of date of travel for departure and once answered a flight schedule with prices will be displayed (see: column 15, lines 25-50).

Tagawa fails to teach proximity tolerances specifying a user's acceptable distance range.

Cochran et al. teaches in one particular embodiment, a structured database of hotel and resort information records are searched and records are selected using any of the following qualifiers or selected search terms: proximity to another location, e.g. larger city, number of accommodations available; proximity to specific area of interest such as a tourist attractions, business location or airports (see: column 5, lines 63 to column 6, lines 7). Cochran et al. further teaches that the selected search terms for searching through the structured database include a search method that displays "IF APT. CODE THEN" section including parameter for the user to

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determine the appropriate distance to search from a particular hotel, tourist attractions, business location or airports (see: Fig. 4).

One of ordinary skill in the art at the time the invention was made would have found it obvious to include the searching and recording of proximity to specific area of interest such as a tourist attractions, business location or airports as taught by Cochran et al. with the system as taught by Tagawa with the motivation of qualify the search through the data base or identify which of the further categories will be made available to the user (see: Cochran et al.: column 4, lines 49-52).

Claims 12, 23, 35, and 36 are substantially similar and parallel the limitations found in amended claim 1 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

As per claim 2, Tagawa teaches the claimed report includes the travel itinerary specified in the request, each of the alternative itineraries, the value for each travel itinerary, and the savings in travel costs is based on a difference between the value for the travel itinerary specified in the request and each of the alternative itineraries. This limitation is met at Fig. 3, a user is asked for an airline preference, as well as to input flight segment data, including origin, destination, date of travel, and time of date of travel for departure and once answered a flight schedule with prices will be displayed (see: column 15, lines 25-50). The Examiner considers the display of a flight schedule with prices as a report.

Claims 13 and 24 are substantially similar and parallel the limitations found in claim 2 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

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As per claim 4, Tagawa teaches that a user is asked whether he or she has hotel reservation preference and if the user indicates by pressing the “yes” button the system proceed to present a listing of all lodging choices (see: column 12, lines 45-49).

Tagawa fails to teach proximity tolerance.

Cochran et al. teaches in one particular embodiment, a structured database of hotel and resort information records are searched and records are selected using any of the following qualifiers or selected search terms: proximity to another location, e.g. larger city, number of accommodations available; proximity to specific area of interest such as a tourist attractions, business location or airports (see: column 5, lines 63 to column 6, lines 7). Cochran et al. further teaches that the selected search terms for searching through the structured database include a search method that displays “IF APT. CODE THEN” section including parameter for the user to determine the appropriate distance to search from a particular hotel, tourist attractions, business location or airports (see: Fig. 4).

The obviousness of combining the teachings of Cochran et al. within the teachings Tagawa are discussed in rejection of claim 1, and incorporated herein.

Claims 15 and 26 are substantially similar and parallel the limitations found in claim 4 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

As per claim 21, Tagawa teaches interactive travel service system that includes a user pressing a button for local or intrastate tour packages (216, Fig. 3) using a CPU (78, Fig. 3) that activates a routine illustrated in Fig. 7A-7C (see: column 14, lines 16-18). For example, in the Hawaii market (original location), a list of major tour packages (400, 402, Fig. 7a) is between the islands of Oahu, Kauai, Maui, Molokai, Lanai and Hawaii (the Big Island) (destination location

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and alternative destination) (see: column 14, lines 18-24). In addition, Tagawa teaches at Fig. 3, a user is asked for an airline preference, as well as to input flight segment data, including origin, destination, date of travel, and time of date of travel for departure and once answered a flight schedule with prices will be displayed (see: column 15, lines 25-50).

Tagawa fails to teach proximity tolerances specifying a user's acceptable distance range.

Cochran et al. teaches in one particular embodiment, a structured database of hotel and resort information records are searched and records are selected using any of the following qualifiers or selected search terms: proximity to another location, e.g. larger city, number of accommodations available; proximity to specific area of interest such as a tourist attractions, business location or airports (see: column 5, lines 63 to column 6, lines 7). Cochran et al. further teaches that the selected search terms for searching through the structured database include a search method that displays "IF APT. CODE THEN" section including parameter for the user to determine the appropriate distance to search from a particular hotel, tourist attractions, business location or airports (see: Fig. 4).

The obviousness of combining the teachings of Cochran et al. within the teachings Tagawa are discussed in rejection of claim 1, and incorporated herein.

As per claim 44, Tagawa teaches at Fig. 3, a user is asked for an airline preference, as well as to input flight segment data, including origin, destination, date of travel, and time of date of travel for departure and once answered a flight schedule with prices will be displayed (see: column 15, lines 25-50). The Examiner considers the display of the flight schedules (including alternative flights) with prices to be completed without user intervention.

Tagawa fails to teach proximity tolerances specifying a user's acceptable distance range.

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Cochran et al. teaches in one particular embodiment, a structured database of hotel and resort information records are searched and records are selected using any of the following qualifiers or selected search terms: proximity to another location, e.g. larger city, number of accommodations available; proximity to specific area of interest such as a tourist attractions, business location or airports (see: column 5, lines 63 to column 6, lines 7). Cochran et al. further teaches that the selected search terms for searching through the structured database include a search method that displays "IF APT. CODE THEN" section including parameter for the user to determine the appropriate distance to search from a particular hotel, tourist attractions, business location or airports (see: Fig. 4).

The obviousness of combining the teachings of Cochran et al. within the teachings Tagawa are discussed in rejection of claim 1, and incorporated herein.

As per claim 45, Tagawa teaches the claimed first value reflects a cost of travel between the origination and destination locations. This feature is met at Fig. 3, where a user is asked for an airline preference, as well as to input flight segment data, including origin, destination, date of travel, and time of date of travel for departure and once answered a flight schedule with prices will be displayed (see: column 15, lines 25-50).

As per claim 46, Tagawa teaches the claimed first value further includes a cost of lodgings. The limitation is met at Fig. 3, where user is asked for an airline preference, as well as to input flight segment data, including origin, destination, date of travel, and time of date of travel for departure and once answered a flight schedule with prices will be displayed (see: column 15, lines 25-50). In addition, Tagawa teaches in another embodiment, that a user is asked whether he or she has hotel reservation preference and if the user indicates by pressing the "yes"



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button the system proceed to present a listing of all lodging choices (see: column 12, lines 45-49).

As per claim 47, Tagawa teaches interactive travel service system that includes a user pressing a button for local or intrastate tour packages (216, Fig. 3) using a CPU (78, Fig. 3) that activates a routine illustrated in Fig. 7A-7C (see: column 14, lines 16-18). For example, in the Hawaii market (original location), a list of major tour packages (400, 402, Fig. 7a) is between the islands of Oahu, Kauai, Maui, Molokai, Lanai and Hawaii (the Big Island) (destination location and alternative destination) (see: column 14, lines 18-24). In addition, Tagawa teaches at Fig. 3, a user is asked for an airline preference, as well as to input flight segment data, including origin, destination, date of travel, and time of date of travel for departure and once answered a flight schedule with prices will be displayed (see: column 15, lines 25-50).

As per claim 48, Tagawa teaches the claimed alternate value is equal to or less than the first value. This feature is met at Fig. 3, where a user is asked for an airline preference, as well as to input flight segment data, including origin, destination, date of travel, and time of date of travel for departure and once answered a flight schedule with prices will be displayed (see: column 15, lines 25-50).

As per claim 50, Tagawa teaches at Fig. 3, a user is asked for an airline preference, as well as to input flight segment data, including origin, destination, date of travel, and time of date of travel for departure and once answered a flight schedule with prices will be displayed (see: column 15, lines 25-50). The Examiner considers the display of the flight schedules (including alternative flights) with prices to be completed without user intervention.

Tagawa fails to teach proximity tolerances specifying a user's acceptable distance range.

Cochran et al. teaches in one particular embodiment, a structured database of hotel and resort information records are searched and records are selected using any of the following qualifiers or selected search terms: proximity to another location, e.g. larger city, number of accommodations available; proximity to specific area of interest such as a tourist attractions, business location or airports (see: column 5, lines 63 to column 6, lines 7). Cochran et al. further teaches that the selected search terms for searching through the structured database include a search method that displays "IF APT. CODE THEN" section including parameter for the user to determine the appropriate distance to search from a particular hotel, tourist attractions, business location or airports (see: Fig. 4).

The obviousness of combining the teachings of Cochran et al. within the teachings Tagawa are discussed in rejection of claim 1, and incorporated herein.

5. Claims 5-8, 16-19, 27-30, 49 and 51 are rejected under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 5,732,398 to Tagawa in view of U.S. Patent No. 4,879,648 to Cochran et al. as applied to claim 1, further in view of U.S. Patent No. 5,948,040 to DeLorme et al.

As per claim 5, Tagawa and Cochran et al. fail to teach the claimed receiving step includes assigning geographical coordinates for each of the originating location and the destination.

DeLorme discloses the use of geographical ranges with coordinates with which to evaluate alternative travel routes and itineraries (see: column 57, starting at line 1 and further in Figure 7A). The routes taught by DeLorme include different and various routes and accommodations in accordance with user preferences and sorting criteria. One skilled in the art

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would be motivated to have users specify a range of locations with which to evaluate travel itineraries in an effort to reach an optimum itinerary with respect to price, time required, suitability of accommodations, and other concerns of a traveler. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to incorporate the geographical range of locations taught by DeLorme in the system of Tagawa and Cochran et al.

Claims 16 and 27 are substantially similar and parallel the limitations found in claim 5 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

As per claim 6, Tagawa and Cochran et al. fail to teach analyzing step includes generating a set of locations with coordinates located within a predetermined range of the destination based on information from a geographical coordinates database.

DeLorme (see column 57, starting at line 1 and further in Figure 7A) teaches that the sorting (i.e., analyzing) step generates a list of alternate locations from which to base the user's travel itinerary. DeLorme further teaches that the list of alternate locations is generated by sorting the geographic relations by latitude and longitude (see Figure 7A).

One of ordinary skill in the art at the time the invention was made would have found it obvious to include using a database comprising geographical coordinates for sorting criteria with the system of Tagawa and Cochran et al. with the motivation of having users specify a range of locations with which to evaluate travel itineraries in an effort to reach an optimum itinerary with respect to price, time required, suitability of accommodations, and other concerns of a traveler.

Claims 17 and 28 are substantially similar and parallel the limitations found in claim 6 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

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As per claim 7, Tagawa and Cochran et al. teach at Fig. 3, a user is asked for an airline preference, as well as to input flight segment data, including origin, destination, date of travel, and time of date of travel for departure and once answered a flight schedule with prices will be displayed (see: Tagawa: column 15, lines 25-50 and column 11, lines 60 to column 12, lines 17).

Tagawa and Cochran et al. fail to explicitly teach the claimed step of generating a set of location includes reducing the range when a number of locations in the set exceed a predetermined number.

DeLorme teaches that geographical coordinates are used to determine itinerary components for users of the travel reservation and planning system (see: column 56, starting at line 15 and further in Figures 2, 4, and 7).

The obviousness of combining the teachings of DeLorme with the teachings Tagawa and Cochran et al. are discussed in rejection of claim 6, and incorporated herein.

Claims 18 and 29 are substantially similar and parallel the limitations found in claim 7 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

As per claim 8, Tagawa and Cochran et al. teach at Fig. 3, a user is asked for an airline preference, as well as to input flight segment data, including origin, destination, date of travel, and time of date of travel for departure and once answered a flight schedule with prices will be displayed (see: Tagawa: column 15, lines 25-50 and column 11, lines 60 to column 12, lines 17).

Tagawa and Cochran et al. fail to explicitly teach the claimed step of generating a set of locations includes increasing the range when a number of locations in the set are smaller than a predetermined number.

DeLorme teaches that geographical coordinates are used to determine itinerary components for users of the travel reservation and planning system (see: column 56, starting at line 15 and further in Figures 2, 4, and 7). Even if the user's original constraints on travel are too narrow to produce a plausible itinerary on the first pass, a more relaxed constraint may produce an acceptable travel alternative.

The obviousness of combining the teachings of DeLorme with the teachings Tagawa and Cochran et al. are discussed in rejection of claim 6, and incorporated herein.

Claims 19 and 30 are substantially similar and parallel the limitations found in claim 8 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

As per claim 49, Tagawa teaches interactive travel service system that includes a user pressing a button for local or intrastate tour packages (216, Fig. 3) using a CPU (78, Fig. 3) that activates a routine illustrated in Fig. 7A-7C (see: column 14, lines 16-18). For example, in the Hawaii market (original location), a list of major tour packages (400, 402, Fig. 7a) is between the islands of Oahu, Kauai, Maui, Molokai, Lanai and Hawaii (the Big Island) (destination location and alternative destination) (see: column 14, lines 18-24). In addition, Tagawa teaches at Fig. 3, a user is asked for an airline preference, as well as to input flight segment data, including origin, destination, date of travel, and time of date of travel for departure and once answered a flight schedule with prices will be displayed (see: column 15, lines 25-50).

Tagawa fails to teach proximity tolerances specifying a user's acceptable distance range.

Cochran et al. teaches in one particular embodiment, a structured database of hotel and resort information records are searched and records are selected using any of the following qualifiers or selected search terms: proximity to another location, e.g. larger city, number of

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accommodations available; proximity to specific area of interest such as a tourist attractions, business location or airports (see: column 5, lines 63 to column 6, lines 7). Cochran et al. further teaches that the selected search terms for searching through the structured database include a search method that displays "IF APT. CODE THEN" section including parameter for the user to determine the appropriate distance to search from a particular hotel, tourist attractions, business location or airports (see: Fig. 4).

One of ordinary skill in the art at the time the invention was made would have found it obvious to include the searching and recording of proximity to specific area of interest such as a tourist attractions, business location or airports as taught by Cochran et al. with the system as taught by Tagawa with the motivation of qualify the search through the data base or identify which of the further categories will be made available to the user (see: Cochran et al.: column 4, lines 49-52).

Tagawa and Cochran et al. fail to teach providing a report including a geographical map that contains:

- the claimed graphical representation of the origination location, destination location, and each alternate location,

- the claimed graphical representation of a first path between the origination and destination locations and a corresponding cost of travel for the first path, and

- the claimed graphical representation of an alternate path between each alternate location and either the origination or destination locations and a corresponding cost of travel for each respective alternate path.

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DeLorme teaches the use of geographical ranges with coordinates needed to evaluate alternative travel routes and itineraries (see: column 57, line 1 and Fig. 7A). The routes include different and various routes and accommodations in accordance with user preferences and sorting criteria.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the geographical range of location as taught by DeLorme within system as taught by Tagawa and Cochran et al. with the motivation to have users specify a range of locations with which to evaluate travel itineraries in an effort to reach an optimum itinerary with respect to price, time required, suitability of accommodations, and other concerns of a traveler.

As per claim 51, Tagawa and Cochran et al. teaches at Fig. 3, a user is asked for an airline preference, as well as to input flight segment data, including origin, destination, date of travel, and time of date of travel for departure and once answered a flight schedule with prices will be displayed (see: Tagawa: column 15, lines 25-50).

Tagawa and Cochran et al. fail to teach the claimed the travel cost for each route is presented adjacent to the graphical representation of the respective route on the map.

DeLorme teaches a map display (152, Fig. 3), which facilitates the topical information, for example, by means of "located" symbols, text or tables indicating price information, which the examiner considers as an addition to the map display (see: column 25, lines 29-35).

The motivation for combining the respective teachings of DeLorme with the system of Tagawa and Cochran et al. are discussed above in the rejection of claim 50, and incorporated here.

6. Claims 11, 22, 33-34 and 37-42 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,732,398 to Tagawa in view of Walker et al. in U.S. Patent Number 5,897,620.

As per claims 11, 37 and 38, Tagawa teaches interactive travel service system that includes a user pressing a button for local or intrastate tour packages (216, Fig. 3) using a CPU (78, Fig. 3) that activates a routine illustrated in Fig. 7A-7C (see: column 14, lines 16-18). For example, in the Hawaii market (original location), a list of major tour packages (400, 402, Fig. 7a) is between the islands of Oahu, Kauai, Maui, Molokai, Lanai and Hawaii (the Big Island) (destination location and alternative destination) (see: column 14, lines 18-24). In addition, Tagawa teaches at Fig. 3, a user is asked for an airline preference, as well as to input flight segment data, including origin, destination, date of travel, and time of date of travel for departure and once answered a flight schedule with prices will be displayed (see: column 15, lines 25-50).

Tagawa fails to teach at least one price-to-beat request to a plurality of service providers reflecting information on the travel itinerary with a value associated with the determined value for the travel itinerary specified in the request and the determined value for each of the alternative itineraries.

Walker teaches a method and apparatus for the sale of flight tickets where the user submits a bid to purchase an unspecified-time ticket for a specific itinerary, and that the traveler is willing to pay \$375 for the ticket (see column 6, lines 45-51). That is, a price-to-beat request is sent to a selected service provider with a value associated with the determined value for the travel itinerary. Further, Walker discloses that the reservation system, after determining that the traveler may be supplied with a ticket conforming to their time and value constraints, prints a



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ticket for the actual flight with the actual flight number and the departure/arrival times. The airline then transmits the ticket to the traveler (see column 15, lines 3-17). In this fashion, the traveler receives a response from the service provider with information and a value on a travel itinerary.

One of ordinary skill in the art at the time the invention was made would have found it obvious to include price-to-beat request as taught by the Walker within the system as taught by Tagawa with the motivation of allowing travel providers to fill otherwise unoccupied seats on confirmed flights while traveler benefit by not paying full fare prices for these available seats.

Claims 22, 33, 34, 39-42 are substantially similar and parallel the limitations found in claim 11 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 10 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,732,398 to Tagawa.

As per claim 10, Tagawa teaches interactive travel service system that includes a user pressing a button for local or intrastate tour packages (216, Fig. 3) using a CPU (78, Fig. 3) that activates a routine illustrated in Fig. 7A-7C (see: column 14, lines 16-18). For example, in the

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Hawaii market (original location), a list of major tour packages (400, 402, Fig. 7a) is between the islands of Oahu, Kauai, Maui, Molokai, Lanai and Hawaii (the Big Island) (destination location and alternative destination) (see: column 14, lines 18-24). In addition, Tagawa teaches at Fig. 3, a user is asked for an airline preference, as well as to input flight segment data, including origin, destination, date of travel, and time of date of travel for departure and once answered a flight schedule with prices will be displayed (see: column 15, lines 25-50).

As per claim 32, it is substantially similar and parallel the limitations found in claim 10 in computer system (apparatus) formats and are rejected for similar reasons.

### ***Response to Arguments***

9. With regards to Applicant arguments, it is respectfully submitted that the Examiner has changed the application of the prior art to the claimed features above. As such, Applicant's remarks with regard to the application of Cochran, DeLorme and/or Walker et al. to the above mentioned features are moot in light of the inclusion of the teachings of Tagawa addressed in the above Office Action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (571) 272-6773.


The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RWM  
rwm

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600